

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PACIFIC EDGE DIAGNOSTICS USA,  
LTD.**

1214 Research Boulevard, Ste. 2000  
Hummelstown, PA 17036,

*Plaintiff,*

v.

**ROBERT F. KENNEDY**, *in his official  
capacity as Secretary of Health and  
Human Services*

200 Independence Avenue, SW  
Washington, DC 20201,

**NOVITAS SOLUTIONS, INC.**

2020 Technology Parkway, Suite 100  
Mechanicsburg, PA 17050,

*Defendants.*

No. 1:25-CV-00291

Hon. Keli M. Neary  
United States District Judge

**PLAINTIFF’S BRIEF IN SUPPORT OF CONSENT MOTION  
FOR LEAVE TO FILE BRIEF IN EXCESS OF THE WORD LIMIT**

Plaintiff Pacific Edge Diagnostics USA, Ltd. respectfully submits this brief in support of its Motion for Leave to File a Brief in Excess of the Word Limit in Opposition to Defendants’ Motion to Dismiss.

## **I. PROCEDURAL HISTORY**

On February 18, 2025, Pacific Edge filed its Complaint in this action, alleging a violation of the Administrative Procedure Act under 5 U.S.C. § 706(2)(A). (*See* Doc. 1, at ¶¶ 117-119.) Soon thereafter, Pacific Edge filed its Motion for Preliminary Injunction or Summary Judgment. (*See* Docs. 3-4.) Following a telephonic conference, the Court issued an order setting a briefing schedule for Defendants' anticipated Motion to Dismiss and Opposition to Pacific Edge's Motion for a Preliminary Injunction. (*See* Doc. 15.)

On March 17, 2025, Defendants sought leave from the Court to submit briefs exceeding fifteen pages or 5,000 words for both Defendants' brief in support of their Motion to Dismiss and Defendants' brief in opposition to Pacific Edge's Motion for Preliminary Injunction. (*See* Docs. 21-24.) Defendants sought leave to file two briefs of extended length, each brief not to exceed 55 pages and no more than 12,000 words in length. (*Id.*) The Court granted Defendants' requests on March 18, 2025. (*See* Doc. 26.)

On March 19, 2025, Defendants filed a brief in support of their Motion to Dismiss consisting of 40 pages, excluding the tables of contents and authorities, signatures, and title page. (Doc. 30.) Defendants also enclosed 91 pages of exhibits consisting of unpublished court opinions and supporting documents. (Doc. 30-1.)

On the same date, Defendants also filed their brief in support of their Opposition to Pacific Edge's Motion for a Preliminary Injunction, which consisted of 47 pages, excluding the table of contents and authorities, signatures, and title page. (Doc. 28.) Defendants enclosed with their opposition brief 91 pages of exhibits consisting of unpublished court opinions and supporting documents. (Doc. 28-1.)

In support of both Defendants' brief in support of their Motion to Dismiss and Defendants' brief in opposition to Pacific Edge's Motion for a Preliminary Injunction, Defendants submitted a 24-page witness declaration accompanied by 26 exhibits, which total a combined 1,359 pages. (Docs. 31 through 31-27.)

## **II. ARGUMENT**

Pacific Edge seeks an extension of the word limits found in Local R. 7.8(b) to respond to Defendants' extended Motion to Dismiss briefing. Under Local R. 7.8(b), every brief, including a brief filed in opposition to a motion to dismiss, is limited to 15 pages or 5,000 words. In this case, Defendants sought, and were granted, leave to file a brief in support of their Motion to Dismiss that was no longer than 55 pages in length or no more than 12,000 words. Defendants subsequently filed a brief that significantly exceeded Local R. 7.8(b)'s limit of 15 pages or 5,000 words. Pacific Edge now seeks similar relief so that it may properly respond to Defendants' extended briefing materials. Defendants have consented to such relief.

### III. CONCLUSION

For the reasons stated above, Pacific Edge respectfully requests that the Court grant its Motion for Leave to File a Brief in Excess of the Word Limit. Specifically, Pacific Edge requests leave to file an extended length brief pursuant to Local R. 7.8(b)(3) not to exceed 8,000 words.

Dated: March 31, 2025

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**CERTIFICATE OF WORD COUNT COMPLIANCE**

I hereby certify that the foregoing brief is 530 words according to the word count feature of Microsoft Word.

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Dated: March 31, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that on this date the foregoing document was e-filed via CM/ECF and served by hand delivery, as follows:

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*in his official capacity as*  
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Dated: March 31, 2025